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AIR TRANSPORT ASSOCIATION

January 31, 2003

U.S. Department of Transportation  
Docket Management System  
400 7<sup>th</sup> Street SW, Room PL 401  
Washington, DC 20591

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Reference: Docket #FAA-2002-14002 - 22  
*Notice of Proposed Rulemaking: Area Navigation (RNAV) and  
Miscellaneous Amendments*

In the interest of gaining the desired result and expectations from the application of the proposed Rule, it is requested that the comments entered to the Docket regarding the Area Navigation (RNAV) and Miscellaneous Amendments NPRM be adjudicated through a joint FAA/Industry group. This would enable the FAA, and industry, to more fully understand the extent and specific comments entered to the Docket by January 31, 2003.

Due to the need of additional time to fully review and support comments to the proposed Rule, and the request for an extension not being presently granted, the Air Transport Association of America (ATA) on behalf of member airlines, continues the request for an extension of comments by proposing that the Rule be opened for further review, consideration and comment. This extended review period would continue to support the cooperative resolution to possible concerns.

If an additional period of time is granted to again reflect on the proposed Rule, those additional comments should be given an equal opportunity to be resolved through the suggested joint FAA/Industry group.

The ATA submits the following attached comments to the proposed Rule. Additional comments may be forthcoming. If there is further interest in any of the presently indicated items of comment, or additional information is requested, please contact me at 202-626-4011.

Sincerely,

James K. McKie  
Director Operations  
Air Transport Association

Attachment: Comments to Area Navigation (RNAV) and Miscellaneous Amendments;  
Proposed Rule

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Item #1:

Page 77339, Part 1 – Definitions and Abbreviations, 2.b: Nonprecision approach procedure (NPA), Precision approach procedure (PA), and Precision final approach fix (PFAF) ...

Ref: AC 120-29A, Page 2, Paragraph 3.4 Category I, II, and III Terminology:

“ The use of the term “non-precision” has been dropped within this AC to reduce confusion which exists with use of this term with current and future systems and authorizations, particularly with Vertical Navigation (VNAV) and Area Navigation (RNAV), and with other approaches that may incorporate the use of barometric VNAV to provide a stabilized descent path to a runway.”

Proposed resolution:

Include in the preamble to the FAR Part 1 – Definitions and Abbreviations that the terms NPA, PA and PFAF, while being part of the terminology used in the past, the do not add clarification nor correct context to the future approach implementation strategies and thus have been removed.

Item #2:

Page 77339, Part 1 – Definitions and Abbreviations, Paragraph 1.1 General Definitions.

a. The definitions listed include the word or phrase “precision”, “precision approaches”, “precision instrument approaches”, “nonprecision”, and “Nonprecision approach”. As the use of these are not in agreement with current practice, as defined in AC 120-28D and AC120-29A, the terms should simply indicate an instrument procedure and the specific type be determined and defined through other guidance material allowed and applied by the Rule. This will enable the progressive implementation of future abilities and concepts as authorized by the Administrator.

Proposed resolution:

Develop wording compatible with existing harmonized guidance, specifically, AC 120-28D, and AC 120-29A, to enable the implementation of future approach strategies without becoming in conflict with the Rule.

b. The numerical designations for Category IIIa (CAT IIIa) and Category IIIb (CAT IIIb) of “not less than 700 feet” should be revised to the currently understood and approved values. These are currently applied by air carrier Operations Specifications, as amended and updated by Handbook Bulletins (HBAT). Revising them to be consistent with current applications will remove conflicting information.

Proposed resolution:

Coordinate with the Operations Specifications Working Group or other industry/FAA groups to determine the current applicable values. This will enable the guidance to be located in one location, instead of adding possible confusion due to having the information in multiple locations.

c. The use of the word “glide” in subsequent definitions should be reviewed for clarity. With the advent of additional means to determine the desired and expected path of an aircraft, the word “glide” does not add nor contain a meaning or a purpose. The removal of the word “glide” enables a more useful phrase, vertical path, instead of a specified “glide path” which may be wrongly correlated with a specific approach capability, such as an ILS, which has a “glide slope.”

Further, in discussion of the proposed Rule on page 77331, Section 91.129 Operations in Class D Airspace, paragraph (2), the indication is that “glide path” includes both ILS and APV. This should be extended to all applicable procedures, including ILS. The term needs to be applicable to additional applications without deterring continued development of procedures.

Proposed resolution:

Remove the word “glide” from definitions and uses within the Rule, unless it is determined that specific reasoned results are required and directed by the application of the word “glide” to the text.

d. Within the title Instrument approach procedure (IAP), the word “approach” could be removed. The statement in paragraph (2) of the text allows for the application where “...en route flight may begin”, which is not necessarily restricted to being on an “approach”. This could be confusing in developing future airspace enhancement strategies and applications of technology.

Proposed resolution:

Review the context of the phrase to determine if “approach” is required. If not, remove it from the statement.

Item #3:

Page 77339, Part 1 – Definitions and Abbreviations, Paragraph 1.2 Abbreviations and symbols.

The listings need to reflect the appropriate changes proposed in Item #2a above.

Proposed resolution:

Include appropriate changes when resolving the issues indicated in Item #2a above.

Item #4:

Page 77344, Part 121 – Operating Requirements: Domestic, Flag, and Supplemental Operations, Paragraph 121.99 Communications facilities.

a. The title Communications facilities could be shortened to Communications as the word “facilities” does not add any descriptive value to the title. Possibly in the past when companies had to establish their own system of radio facilities before the full integration and established airspace control by the government and other service providers this was appropriate.

Proposed resolution:

Remove the word facilities unless it is determined that the specific wording is required to determine the correct application of the Rule.

b. Paragraph 121.99 (a) contains requirements that are in direct conflict with the responsibility of the FAA. To establish an unrealistic requirement of being able to establish communications “over the entire route under normal operating conditions,” within a specific time of “less than four minutes” will not support the FAA mandate to promote and support the air transportation infrastructure and encourage the development of air travel. It has not been established that the time requirement is realistic under all normal conditions. It has not been established that four minutes is a necessary time requirement for objective reasons substantiated by data. To invoke this arbitrary time limit as the result of the interpretation included in the supplied Docket information without supporting data is capricious and severely onerous to the portions of the airline industry regulated by the FAA. It does not establish what is possibly intended by the FAA, which could be understood as a reasoned expectation to communicate with the flight crew within a reasonable amount of time.

Some determination as to the location of the aircraft, the phase flight, and other operational considerations need to be included in the context of rapidly communicating with the flight crew. Currently, conditions occur in normal operations when the only means of communication is via HF radio. This is operationally acceptable, but may take longer than the prescriptive “four minutes” indicated in the proposed Rule. Many of the current requirements are based on the past unreliability and operational problems of radios.

During the final phases of flight it is not reasonable to require the flight crew to respond within four minutes when it is safer to continue the approach to a safe landing and then communicate as requested.

Current technologies may have an application to enable communications. Enabling and operational procedures should be included in the discussions establishing the specific requirements. It is suggested that no prescriptive time is accurate, accept that it should be accomplished as appropriate in the interest of the safe operation of the aircraft as determined by the flight crew.

Proposed resolution:

Review the current operational tasks that require expedited communication with the flight crews and establish a current philosophy of what needs to be communicated, and in what manner will accomplish the required task. When these are determined then an action plan to build on current systems could better support future technologies and related improvements to support these basic philosophies.

Item #6:

TBD.